

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: Combined Use Permit/Special Permit #18
Lincolnshire Square

DATE: May 30, 2001

PROPOSAL: Michael McKeeman proposes to conduct outdoor seasonal sales within Lincolnshire Square, generally located on the southeast corner of S. 70th Street and A Street.

GENERAL INFORMATION:

APPLICANT: Michael McKeeman, Ph.D.
McKeeman Consulting
8400 Old Cheney Road
Lincoln, NE
(402) 486-4272

LOCATION: The southeast corner of S. 70th Street and A Street

LEGAL DESCRIPTION: Lincolnshire Square 1st Addition, Lincolnshire Square 2nd Addition, and Lincolnshire Square 2nd Addition, all located in the NW 1/4 of Section 34, T10N, R7E of the 6th P.M., Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: O-3 Office Park

EXISTING LAND USE: Office and financial buildings with some undeveloped land.

SURROUNDING LAND USE AND ZONING: R-1 Residential single and multiple family dwellings to the east, P Public Use zoned Seacrest Park to the north, B-2 shopping center and R-1 two family housing to the west, and O-2 commercial uses to the south.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates this area as Commercial in the Comprehensive Plan.

HISTORY:

Oct. 13, 1975 City Council approved Special Permit #737 for athletic fields on the property.

This property was converted from A-1 Single Family Dwelling to R-1 Residential in the **1979 Zoning Update**.

- Sept. 26, 1983** City Council approved Change of Zone #2055 and Use Permit #20 - Lincolnshire Square, changing the zoning from R-1 to O-3 and permitting 186,000 sq. ft. of office floor area on the property.
- April 1, 1985** City Council approved Use Permit #20-A, which re-arranged the building and parking areas within Lincolnshire Square.
- June 3, 1985** City Council approved special permit #1139 for a broadcast tower and dish on the property.
- August 14, 1989** City Council approved Use Permit #20-B, which reduced the building envelope on Lot 6 and increased the building height from 45 feet to 65 feet.
- August 24, 1992** City Council approved Use Permit #20-C, which reduced the Lot 6 office building to 57,336 sq. ft. and added a 3,000 sq. ft. branch bank.

SPECIFIC INFORMATION:

UTILITIES: Available

TOPOGRAPHY: Generally flat

TRAFFIC ANALYSIS: The Improvements for Future Road Network map in the Comprehensive Plan designates the corner of S. 70th and A Streets as having 120 ft. of right-of-way.

Both S. 70th Street and A Street are shown as Minor Arterial streets in the Existing Functional Street and Road Classification.

The Future Functional Street and Road Classification shows S. 70th Street as a Principal Arterial and A Street remains a Minor Arterial.

PUBLIC SERVICE: The closest fire station is number 7, at Cotner Boulevard and A Street.

ANALYSIS:

1. The applicant is proposing a 75' x 40' sales area that would be located in an undeveloped portion of Outlot A, Lincolnshire Square 2nd Addition. The most recent approved Use Permit shows the proposed sales area as parking for a future 57,336 sq. ft. office building.

2. Outdoor seasonal sales are permitted by special permit according to the following guidelines:

In any residential (R-) or office (O-) district, a special permit may be granted to allow temporary or seasonal sales subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

(a) The sale is sponsored and operated by a nonprofit organization or is directly associated with an approved special permit for a recreational facility;

The applicant states, "...we are hoping the community can benefit by offering this site to non-profit organizations for seasonal outdoor sales."

(b) If the land is located within 300 feet from the boundary of a B-1, B-3, B-4, H-2, H-3, or I-1 zoning district, the minimum lot area is one-half acre;

(c) If the land is located at a distance greater than 300 feet from a B-1, B-3, B-4, H-2, H-3, or I-1 zoning district, the minimum lot area is one acre;

The land is located more than 300 feet from one of the above-mentioned zoning districts. The proposed sales area is within a 1.5 acre Outlot.

(d) The sale does not operate for more than forty-five days within any one year period;

The applicant states that the stand will be open "the 3rd and 4th of July and November 20th through December 25th," or 38 days.

(e) Adequate off-street parking is provided which complies with the City of Lincoln Design Standards;

The site plan shows 16 asphalt parking stalls. The 3,000 sq. ft. sales area requires 10 parking stalls in the O-3 zoning district.

(f) One sign may be permitted which conforms to the limitations for signs for nonconforming uses contained in Chapter 27.69.

The applicant has not identified any signage on the site plan.

3. This proposal is an appropriate interstitial use for the currently vacant portion of Lincolnshire Square. When the remainder of the lot develops, this use should be discontinued so that the parking lot can be fully utilized.

STAFF RECOMMENDATION:

Conditional approval

CONDITIONS:

Site Specific:

1. This approval permits outdoor seasonal sales on July 3 and 4, and from November 20 through December 25 of each year. The sales are permitted where specified on the approved site plan.
2. This permit shall expire with the issuance of a building permit for a structure on Lot 6.
3. The non-profit organization shall be identified and the sale certified by the president or board of said organization prior to receiving permission to operate each seasonal sale.

General:

3. Before receiving building permits:
 - 3.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
 - 3.1.1 Four copies of the revised site plan showing the following revisions:
 - 3.1.1.1 Label the floor area for each building.
 - 3.1.1.2 Add the Combined Use Permit and Special Permit legal description to the site plan.
 - 3.1.1.3 Add a note indicating that one sign shall be permitted per section 27.63.440(f) L.M.C.
 - 3.1.1.4 Add a note stating the dates of the sales.
 - 3.1.1.5 Label the office adjacent to Sumner Street “not a part of this combined use permit and special permit.”
 - 3.1.1.6 Correct the zoning label on Lot 8, south of Sumner to “O-2.”

- 3.1.1.7 Add a note to the site plan stating that no structure shall remain during non-sale times of the year.

- 3.2 The construction plans comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
- 4.1 Before operating the seasonal sales all development and construction is to comply with the approved plans.
 - 4.2 All privately-owned improvements are to be permanently maintained by the owner or an appropriately established property owners association approved by the City.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The City Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

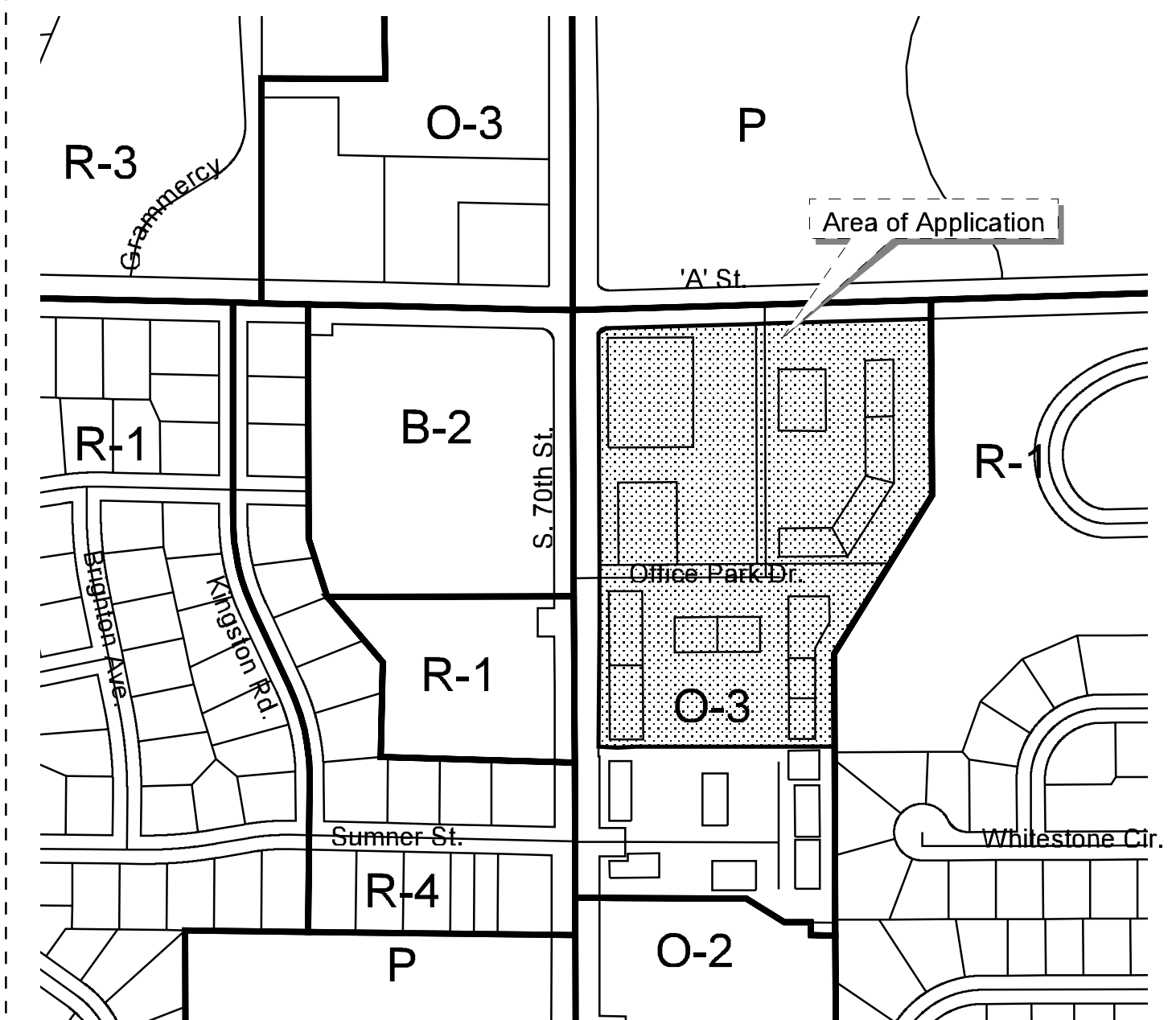
Jason Reynolds
Planner



Combined Use & Special Permit #18
S. 70th and 'A' St.



Photograph Date: 1997

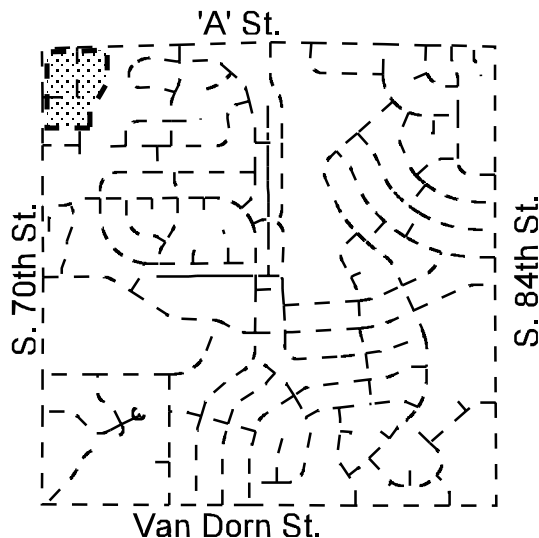
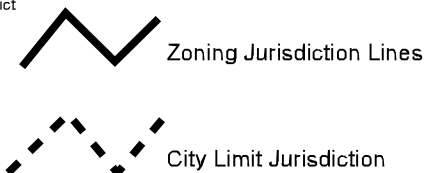


Combined Use & Special Permit #18 S. 70th and 'A' St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 34 T10N R7E



Sheet ___ of ___

Date:

Lincoln City - Lancaster County Planning Dept.





8400 Old Cheney Road
Lincoln, NE 68526
(402)486-4272

May 15, 2001

Dear City Planning Commission:

I am submitting the enclosed Application for Use Permit, the Application for a Special Permit, the certificate of ownership and the vicinity site plan for the corner of 70th and A in Lincoln, Nebraska. The legal description is described in each of those permits.

The purpose for this submission is that this corner has sat vacant for many years and we are hoping the community can benefit by offering this site to non-profit organizations for seasonal outdoor sales. Specifically, we are interested in setting up a fireworks stand and Christmas tree stand on that site on a yearly basis which will comply with all of the necessary permits and licenses of the City of Lincoln and be open the 3rd and 4th of July and November 20th through December 25th.

Additionally, we want to offer to the community the opportunity to purchase these items on that corner in support of non-profit organizations because there have been no sites within two miles of there where Christmas Trees and fireworks can be purchased.

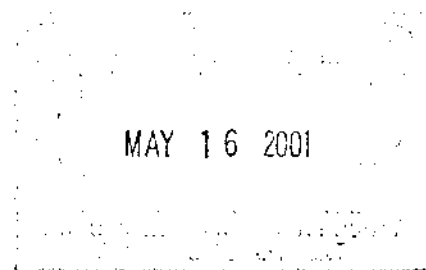
Please consider this application and respond as quickly as possible.

Sincerely,

Michael McKeeman, Ph.D.
President

Enclosure: Application for Use Permit
Application for a Special Permit
Vicinity Site Plan
Certificate of Ownership

mk



City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF01058**

Address

Job Description: Combined up/sp #18 70 & A St.

Location: COMBINED UP/SP #18 70 A

Special Permit: N

Preliminary Plat: N

Use Permit: N

CUP/PUD: N

Requested By: RAY HILL

Status of Review: Approved

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE BOB FIEDLER

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards